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09/840,193	04/23/2001	Tsutomu Kawano	- 01246/LH	3939

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NEW YORK, NY 10001-7708

EXAMINER

PATEL, SHEFALI D

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/840,193

Applicant(s)

KAWANO, TSUTOMU

Examiner

Shefali D. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 33, 34 and 36 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment was received on May 15, 2007.
2. Claims 1 and 10-32 are cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims on pages 8-16 under Remarks have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 is now amended with a limitation of "gradation conversion process." In the specification this is not as clear as how the image processing section is related to the gradation conversion process. In specification filed on August 23, 2001 there are three places where gradation process is mentioned: page 3 lines 10-22, page 68 lines 23-24 and page 69 lines 1-2. In these portions of the specification it is not clear how the gradation process is related to image processing section and the details of the process claimed in the present invention. Please make appropriate correction without adding new matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5, 8, 33-34 and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable by Armato, III et al. (USPN 6,335,980) in view of Sako et al. (USPN 6,714,623) (hereinafter, "Sako").

With regard to **claim 33**, Armato discloses the following limitations: an object region extracting section that receives a set of two-dimensionally-arranged radiation image **data** including the radiation image data of the radiographed body part and extracts an object region formed by the radiation image data of the radiographed body part from the set of two-dimensionally-arranged radiation image **data** (The entire Armato disclosure is concerned with receiving a two-dimensional radiation image data and extracting an object region therefrom. For example, several of the Figures in Armato show a two-dimensional radiation image (see Armato col. 3 lines 13-14) and further show that an object has been extracted from that received image); a contour recognizing section having contour type classification criteria data for each of a plurality of different contour types corresponding to the plurality of different kinds of body parts including a chest, abdomen and a leg, wherein the contour recognizing section recognizes a contour of the extracted object region, and determines to which one of the plurality of different contour types the recognized contour belongs based on the data of contour type classification criteria (Armato discloses classification criteria which is used to assign the extracted object region to a number of categories (i.e. contour types). This is shown at col. 5 lines 39-64, and a table of categories is shown in Figure 6 of Armato. Armato discloses that five main location categories are used: apex, sternum, cardiac silhouette, and spine. These categories encompass the chest and abdomen recited in the claim. Armato does not expressly list a leg as a type of region to be recognized. However, It would have been Obvious to one reasonably skilled in the art at the time of the invention to modify Armato by recognizing a leg as is recited in the claim. This would have allowed for a system that was operable to classify body parts in the lower body as well as the upper body).

Armato does not expressly disclose that the identified contours are process any differently as a result of their classification and having a plurality of different image processing conditions for the gradation conversion process. Sako, on the other hand, discloses identifying contour sections and a gradation conversion process at col. 10 lines 47 to col. 11 lines 9 and lines 33-41. It would have been obvious to one reasonably skilled in the art at the time of the invention to perform different processing on these different classified image contours. Such a modification would have allowed for a system that was more flexible and therefore more robust by processing things differently that fell into different categories by gradation conversion process.

With regard to **claim 2**, Armato discloses the following limitations: The radiation image processing apparatus according to claim 33 wherein, the contour recognizing section judges the kind of recognized contour based on a position change of a boundary of the object region (e.g., at Armato col. 7 lines 12-20: The reference describes judging the kind of recognized contour (in this case it is a decision between sternum and diaphragm) by seeing whether the boundary of the object region is concave (i.e. checking for a position change).).

With regard to **claim 3**, Armato discloses the following limitations: a region boundary point detecting section that detects a boundary of the object region. The Armato reference is directed to detecting a boundary of either the initial lung region contour or the ROI's a position change amount calculating section that calculates a position change amount of the boundary of the object region from plural region boundary points detected by the region boundary point detecting section (see e.g. Armato col. 7 lines 46-64: The reference describes calculating x and y position amounts. As was stated before, these position amounts are used to determine the category that a ROI belonged to (see Armato col. 7 lines 12-20). a contour specifying section that specifies the kind of recognized contour from the position change amount calculated by the position change amount calculating section (see e.g. Armato col. 7 lines

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46-64: The reference describes calculating X and y position amounts. As was stated before, these position amounts are used to determine the category that a ROI belonged to (see Armato col. 7 lines 12-20).

With regard to **claim 4**, Armato discloses the following limitations: the radiation image processing apparatus according to claim 3, wherein the position change amount is a distance between neighboring region boundary points (see e.g. Armato col. 7 lines 47-53: The reference describes comparing x and y coordinates of each boundary point with x and y coordinates of neighboring boundary points).

With regard to **claim 5**, Armato discloses the following limitations: the radiation image processing apparatus according to claim 3, wherein the position change amount is an amount of change in coordinates between neighboring region boundary points in one or both of the horizontal and vertical directions. (see the above discussion with respect to claim 4. The cited passage also meets the limitations of claim 5 because we are comparing an amount of change in both the horizontal and vertical directions).

With regard to **claim 8**, Armato discloses the following limitations: the radiation image processing apparatus according to claim 33, wherein the body part of the object is recognized by using the feature amount obtained in the contour recognizing section (see e.g. Figure 6 of Armato and corresponding discussion throughout the disclosure. The "feature amount" can be met by any of a number of identifiers shown in this figure, including category number, ROI size, or threshold value.).

With regard to **claim 34**, Armato discloses the following limitation: the radiation image processing apparatus of claim 33, wherein the contour recognizing section provides a feature amount to the recognized contour in accordance with the determined one of the plurality of different contour types.

With regard to **claim 36**, Armato Sako discloses the gradation conversion process automatically at col. 11 lines 33-35.

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8. Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Armato in view of Sako as applied to claim 2-5, 8, 33-34 and 36 above, and further in view of Yasui et al. (USPN 6,493,458 B2).

With regard to **claims 6 and 7**, Armato discloses a radiation image processing apparatus with a contour recognizing means. Armato also discloses a region boundary point detecting means that detects a boundary of the object region (see the above discussion under 102). Armato fails to expressly disclose that the contour recognizing means uses local region widths of the object region. Yasui, however, discloses a contour recognizing means (Yasui col. 8 line 4), which uses local region widths of the object region (Yasui col. 22 lines 26-33 with Figure 29). Yasui further discloses a contour specifying means that specifies the kind of recognized contour from the region widths calculated by the region width calculating means (Yasui col. 22 lines 26-33 with Figure 29). It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Armato's contour recognizing means by determining the borders of the object region (and hence the contour) by calculating the width of each region on every scanning line as taught by Yasui. Such a modification would have allowed for an accurate, reliable method of determining the boundary (i.e. contour) of a localized object region (Yasui col. 2 line 61 -col. 3 line 10).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armato as applied to claim 33 above, and further in view of Shinbata (USPN 6,594,380 B2).

With regard to **claim 9**, The Armato reference is insufficient to meet the limitations, because it fails to disclose a radiographing orientation judging means. Shinbata, however, discloses a radiographing orientation judging means for judging a radiographic orientation for an object from the contour based on the feature amount (Shinbata col. 5 lines 31-59: The Shinbata reference discloses determining the radiographic posture (which is analogous to the radiographic orientation recited in the claim) of an object based on the profile (i.e: contour) of a portion of the image. The radiographic posture is determined based on a feature amount. It would have been obvious to one reasonably skilled in the art at the time of the

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invention to modify Armato's radiation image processing apparatus by determining the radiographic orientation of extracted objects as taught by Shinbata. Such a modification would have allowed for a system that could automatically detect the posture (orientation) of the subject, and would no longer require this information to be input manually (Shinbata col. 1 lines 39-41). This would have made for a faster system that also avoided unnecessary input errors.

Allowable Subject Matter

10. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shefali D Patel
Examiner
Art Unit 2624

sdp



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